

THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

PECOLIA DIGGS

Plaintiff

VS.

OSCEOLA POLICE DEPARTMENT

Defendant

*
*
*
*
*
*
*
*

NO: 3:05CV00261 SWW

ORDER

Before the Court is Defendant's motion for an extension of time to amend or supplement Defendant's motion for summary judgment. For the reasons stated below, Defendant's initial motion for summary judgment will be denied without prejudice, and Defendant has up to and including December 22, 2006 in which to submit a second motion for summary judgment.

On November 16, 2006, the Court granted Defendant's motion to withdraw attorney Jeannette Denham and substitute attorney David Clifford Sward as Defendant's counsel of record. Additionally, the Court notified Defendant that on November 2, 2006, Ms. Denham filed a motion for summary judgment which was not accompanied by a brief, as required under Local Rule 7.2, or a statement of material facts, as required under Local Rule 56.1.

On November 17, 2006, Defendant filed a motion requesting an extension of time in which to amend or supplement the motion for summary judgment.¹ Defendant's motion is

¹Defendants state that under Federal Rule of Civil Procedure 15, they are entitled to amend within twenty days after service. However, the right to amend provided under Rule 15

GRANTED to the extent that Defendant has up to and including December 22, 2006 in which to file a second motion for summary judgment. Defendant's first motion for summary judgment (docket entry #58) is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED THIS 21ST DAY OF NOVEMBER, 2006.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

pertains to pleadings, not motions.